

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

CENTRAL VALLEY REGION

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ORDER R5-2012-0118
NPDES NO. CA0084174

WASTE DISCHARGE REQUIREMENTS FOR THE METROPOLITAN STEVEDORE COMPANY PORT OF STOCKTON FACILITY SAN JOAQUIN COUNTY

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 1. Discharger Information

Discharger	Metropolitan Stevedore Company
Name of Facility	Port of Stockton Facility
Facility Address	2321 West Washington Street, Suite J
	Stockton, CA 95203
	San Joaquin County
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a minor discharge.	

The discharge by the Metropolitan Stevedore Company from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Authorized Non-Storm Water Discharges (as described in Finding II.B)	37° 56' 50" N	121° 20' 0" W	San Joaquin River

Table 3. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	7 December 2012
This Order shall become effective on:	26 January 2013
This Order shall expire on:	1 December 2017
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	<u>180 days prior to the Order expiration date</u>

I, **PAMELA C. CREEDON**, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 7 December 2012.

Original signed by
PAMELA C. CREEDON, Executive Officer

Table of Contents

I.	Facility Information	3
II.	Findings	3
III.	Discharge Prohibitions.....	9
IV.	Effluent Limitations and Discharge Specifications	9
	A. Effluent Limitations – Discharge Point 001	9
	B. Interim Effluent Limitations (Not Applicable)	9
	C. Land Discharge Specifications (Not Applicable)	9
V.	Receiving Water Limitations	9
	A. Surface Water Limitations.....	9
	B. Groundwater Limitations (Not Applicable).....	9
VI.	Provisions	9
	A. Standard Provisions.....	10
	B. Monitoring and Reporting Program Requirements.....	14
	C. Special Provisions.....	14
	1. Reopener Provisions.....	14
	2. Special Studies, Technical Reports and Additional Monitoring Requirements	14
	3. Best Management Practices and Pollution Prevention	14
	4. Construction, Operation and Maintenance Specifications.....	24
	5. Special Provisions for Municipal Facilities (Not Applicable)	24
	6. Other Special Provisions (Not Applicable)	25
	7. Compliance Schedules (Not Applicable).....	25
VII.	Compliance Determination (Not Applicable)	25

List of Tables

Table 1.	Discharger Information	1
Table 2.	Discharge Location.....	1
Table 3.	Administrative Information	1
Table 4.	Facility Information	3
Table 5.	Basin Plan Beneficial Uses.....	6

List of Attachments

Attachment A – Definitions	A-1
Attachment B – Site Vicinity Map.....	B-1
Attachment C – Site Location Map	C-1
Attachment D – Standard Provisions.....	D-1
Attachment E – Monitoring and Reporting Program	E-1
Attachment F – Fact Sheet	F-1

I. FACILITY INFORMATION

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 4. Facility Information

Discharger	Metropolitan Stevedore Company
Name of Facility	Port of Stockton Facility
Facility Address	2321 West Washington Street, Suite J
	Stockton, CA 95203
	San Joaquin County
Facility Contact, Title, and Phone	Thomas Mogan, Facility Operator, (209) 943-7252
Mailing Address	Same as Facility Address
Type of Facility	Industrial (marine bulk cargo handling facility)
Facility Design Capacity	>1,000,000 metric tons/year

II. FINDINGS

The California Regional Water Quality Control Board, Central Valley Region (hereinafter Central Valley Water Board), finds:

A. Background. Metropolitan Stevedore Company (hereinafter “Discharger”) formerly discharged pursuant to Order R5-2005-0090 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA 0084174. The Discharger submitted a Report of Waste Discharge, dated 1 November 2010 and applied for a NPDES permit renewal to discharge non-storm water discharges, as described in Finding II.B, from the Port of Stockton Facility (hereinafter “Facility”) at the Port of Stockton (Port), Dock 12. The application was deemed complete.

For the purposes of this Order, references to the “discharger” or “permittee” in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

B. Facility Description. The Discharger operates a marine bulk commodity terminal on leased land at the Port’s Dock 12 in the City of Stockton, San Joaquin County. Industrial activities include bulk material loading, operation and maintenance of conveyors, a shiploader, and other equipment required to maintain its operation. Bulk materials handled in recent years have been limited to petroleum coke, coal, iron ore, and sulfur; however, other materials may be handled in the future.

The Discharger uses an overhead conveyor system to load bulk materials onto outbound vessels. The conveyor system and ship loading equipment have been constructed with protective shields to prevent contact of the product with wind and rain, and measures are taken to reduce fugitive dust or spilled product from leaving the conveyor system. Rain water that may come in contact with the conveyor or spillage/fugitive dust from the conveyor system may be discharged where the conveyor joins the ship loader. Occasionally, surfactant chemicals may be used as part of dust suppression system on the shiploader. After each shipment, the conveyor

and ship loader are cleaned. Some wash water that splashes as it hits the conveyor may be discharged to the San Joaquin River, a water of the United States.

For the purposes of this Order, “authorized non-storm water discharges” include the *de minimis* discharge of fugitive cargo dust or spilled product, wash water, and dust suppression water. This Order only regulates these authorized non-storm water discharges.

Attachment B provides a map of the Facility location. Attachment C provides a map of the overhead conveyor system location at Dock 12.

- C. Legal Authorities.** This Order is issued pursuant to section 402 of the Clean Water Act (CWA) and implementing regulations adopted by USEPA and chapter 5.5, division 7 of the California Water Code (Water Code; commencing with section 13370). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

This Order only regulates authorized non-storm water discharges, as described in Finding II.B, above. Storm water discharges are regulated by State Water Resources Control Board Water Quality Order 97-03-DWQ, General NPDES Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.

- D. Background and Rationale for Requirements.** The Central Valley Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E are also incorporated into this Order.
- E. California Environmental Quality Act (CEQA).** Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.
- F. Technology-based Effluent Limitations (TBELs).** Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations (40 CFR 122.44), require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. This Order does not include numeric TBELs because due to the difficulty in monitoring the *de minimis* discharge to surface waters, it is not feasible to establish numeric effluent limitations. Instead, this Order includes narrative effluent limitations and requires best management practices (BMPs) to control and abate the discharge of pollutants to surface waters and to achieve Best Available Technology Economically Achievable (BAT)/Best Conventional Pollutant Control Technology (BCT) requirements and

comply with applicable water quality standards. A detailed discussion of the technology-based effluent requirements is included in the Fact Sheet.

G. Water Quality-based Effluent Limitations (WQBELs). Section 122.44(d) of 40 CFR requires that permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality criteria have not been established, 40 CFR section 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter. Section 122.44(k)(3) of 40 CFR allows the use of BMPs to control or abate the discharge of pollutants when numeric effluent limitations are infeasible or when practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA. As discussed in detail in the Fact Sheet, it is not feasible to establish WQBELs for pollutants in discharges from the Facility. Therefore, in lieu of WQBELs, this Order requires the Discharger to establish BMPs to minimize discharges from the Facility.

H. Water Quality Control Plans. The Central Valley Water Board adopted a *Water Quality Control Plan, Fourth Edition (Revised September 2009)*, for the Sacramento and San Joaquin River Basins (hereinafter Basin Plan) that designates beneficial uses in Section II, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Table II-1 of the Basin Plan identifies the beneficial uses of certain specific water bodies. The San Joaquin River and Sacramento-San Joaquin Delta (Delta) are listed in Table II-1. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Beneficial uses applicable to San Joaquin River and Delta are as follows:

Table 5. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	San Joaquin River and Delta	<p><u>Existing uses from Table II-1 of the Basin Plan:</u></p> <p>Municipal and domestic supply (MUN); Agricultural supply, including irrigation and stock watering (AGR); Industrial process supply (PROC); Industrial service supply (IND); Hydropower generation (POW); Water contact recreation, including canoeing and rafting (REC-1); Non-contact water recreation (REC-2); Warm freshwater habitat (WARM); cold freshwater habitat (COLD); Migration of aquatic organisms, warm and cold (MIGR); Spawning, reproduction, and/or early development, warm and cold (SPWN); Wildlife habitat (WILD); and Navigation (NAV). Ground water recharge (GWR) Commercial and Sport Fishing (COMM)</p>

- I. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on 22 December 1992, and later amended it on 4 May 1995 and 9 November 1999. About 40 criteria in the NTR applied in California. On 18 May 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on 13 February 2001. These rules contain water quality criteria for priority pollutants.
- J. State Implementation Policy.** On 2 March 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on 28 April 2000 with respect to the priority pollutant criteria promulgated for California by USEPA through the NTR and to the priority pollutant objectives established by the Central Valley Water Board in the Basin Plan. The SIP became effective on 18 May 2000 with respect to the priority pollutant criteria promulgated by USEPA through the CTR. The SIP includes procedures for determining the need for and calculating WQBELs and requires Dischargers to submit data sufficient to do so.
- K. Compliance Schedules and Interim Requirements. (Not Applicable)**
- L. Alaska Rule.** On 30 March 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards become effective for CWA purposes. (40 CFR 131.21 and 65 FR 24641 (27 April 2000).) Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after 30 May 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by 30 May 2000 may be used for CWA purposes, whether or not approved by USEPA.

- M. Stringency of Requirements for Individual Pollutants.** This Order contains restrictions that are no more stringent than required by CWA. Restrictions consist of TBELs and WQBELs. The TBELs consist of pollution prevention plans as indicated in a Storm Water Pollution Prevention Plan (SWPPP). The permit's technology-based pollutant restrictions are no more stringent than required by the CWA. The narrative WQBELs have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. Collectively, this Order's restrictions are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.
- N. Antidegradation Policy.** 40 CFR 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Central Valley Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. As discussed in detail in the Fact Sheet, the permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and Resolution No. 68-16.
- O. Anti-Backsliding Requirements.** Sections 303(d)(4) and 402(o)(2) of the CWA and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent requirements in a reissued permit to be as stringent as those in the previous permit, with some exceptions. All effluent requirements in this Order are at least as stringent as the effluent requirements in Order R5-2005-0090.
- P. Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The discharger is responsible for meeting all requirements of the applicable Endangered Species Act.
- Q. Monitoring and Reporting.** 40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Central Valley Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. The Monitoring and Reporting Program is provided in Attachment E.

The technical and monitoring reports in this Order are required in accordance with Water Code section 13267, which states the following in subsection (b)(1), *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”*

The Discharger operates the Facility subject to this Order. The reports required by this Order are necessary to determine compliance with this Order. The need for the reports is discussed in the Fact Sheet.

R. Standard and Special Provisions. Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR 122.42. The Central Valley Water Board has also included in this Order special provisions applicable to the Discharger.

S. Provisions and Requirements Implementing State Law (Not Applicable)

T. Notification of Interested Parties. The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.

U. Consideration of Public Comment. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.

THEREFORE, IT IS HEREBY ORDERED, that Order R5-2005-0090 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

III. DISCHARGE PROHIBITIONS

- A.** Discharge of materials, other than authorized non-storm water discharges, as described in Finding II.B of this Order, that is not otherwise authorized by a separate NPDES permit, to surface waters or surface water drainage courses is prohibited.
- B.** Discharge of authorized non-storm water discharges, as described in Finding II.B of this Order, creating a nuisance as defined in section 13050 of the Water Code, is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

- 1. Discharges of authorized non-storm water discharges, as described in Finding II.B of this Order, shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
- 2. The Discharger must reduce or prevent pollutants associated with industrial activity of authorized non-storm water discharges, as described in Finding II.B of this Order, through implementation of a SWPPP, as described in Special Provisions Section VI.C.3.a, which includes BMPs that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants to prevent or reduce any pollutants that may unreasonably affect beneficial uses, or cause or contribute to an exceedance of water quality standards.
- 3. **Methylmercury.** The total calendar annual methylmercury load shall not exceed zero grams, in accordance with the Delta Mercury Control Program.

B. Interim Effluent Limitations (Not Applicable)

C. Land Discharge Specifications (Not Applicable)

D. Reclamation Specifications (Not Applicable)

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

- 1. Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. Discharges of authorized non-storm water discharges, as described in Finding II.B. of this Order, shall not cause an exceedance of any applicable water quality objectives contained in the Basin Plan.
 - a. The Discharger will not be in violation of Receiving Water Limitation V.A.1. for authorized non-storm water discharges, as long as the Discharger implements a SWPPP, as described in Special Provisions Section VI.C.3.a, which includes

BMPs that achieve BAT/BCT to prevent or reduce any pollutants that may cause or contribute to the exceedance of water quality standards.

B. Groundwater Limitations (Not Applicable)

VI. PROVISIONS

A. Standard Provisions

1. The Discharger shall comply with all Standard Provisions (federal NPDES standard conditions from 40 CFR Part 122) included in Attachment D of this Order.
2. The Discharger shall comply with the following provisions:
 - a. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
 - i. violation of any term or condition contained in this Order;
 - ii. obtaining this Order by misrepresentation or by failing to disclose fully all relevant facts;
 - iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 - iv. a material change in the character, location, or volume of discharge.

The causes for modification include:

- *New regulations.* New regulations have been promulgated under section 405(d) of the CWA, or the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued.
- *Land application plans.* When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.
- *Change in sludge use or disposal practice.* Under 40 CFR 122.62(a)(1), a change in the Discharger's sludge use or disposal practice is a cause for modification of the permit. It is cause for revocation and reissuance if the Discharger requests or agrees.

The Central Valley Water Board may review and revise this Order at any time upon application of any affected person or the Central Valley Water Board's own motion.

- b. If a toxic effluent standard or prohibition (including any scheduled compliance specified in such effluent standard or prohibition) is established under section 307(a) of the CWA, or amendments thereto, for a toxic pollutant that is present in the discharge authorized herein, and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Central Valley Water Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition.

The Discharger shall comply with effluent standards and prohibitions within the time provided in the regulations that establish those standards or prohibitions, even if this Order has not yet been modified.

- c. This Order shall be modified, or alternately revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the CWA, if the effluent standard or limitation so issued or approved:

- *Contains different conditions or is otherwise more stringent than any effluent limitation in the Order; or*
- *Controls any pollutant limited in the Order.*

The Order, as modified or reissued under this paragraph, shall also contain any other requirements of the CWA then applicable.

- d. The provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of this Order shall not be affected.
- e. The Discharger shall take all reasonable steps to minimize any adverse effects to waters of the State or users of those waters resulting from any discharge or sludge use or disposal in violation of this Order. Reasonable steps shall include such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge or sludge use or disposal.
- f. The Discharger shall ensure compliance with any existing or future pretreatment standard promulgated by USEPA under section 307 of the CWA, or amendment thereto, for any discharge to the municipal system.
- g. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel. Key operating personnel shall be familiar with its content.
- h. Safeguard to electric power failure:
- *The Discharger shall provide safeguards to assure that, should there be reduction, loss, or failure of electric power, the discharge shall comply with the terms and conditions of this Order.*

- *Upon written request by the Central Valley Water Board, the Discharger shall submit a written description of safeguards. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means. A description of the safeguards provided shall include an analysis of the frequency, duration, and impact of power failures experienced over the past 5 years on effluent quality and on the capability of the Discharger to comply with the terms and conditions of the Order. The adequacy of the safeguards is subject to the approval of the Central Valley Water Board.*
 - *Should the treatment works not include safeguards against reduction, loss, or failure of electric power, or should the Central Valley Water Board not approve the existing safeguards, the Discharger shall, within 90 days of having been advised in writing by the Central Valley Water Board that the existing safeguards are inadequate, provide to the Central Valley Water Board and USEPA a schedule of compliance for providing safeguards such that in the event of reduction, loss, or failure of electric power, the Discharger shall comply with the terms and conditions of this Order. The schedule of compliance shall, upon approval of the Central Valley Water Board, become a condition of this Order.*
- i. The Discharger, upon written request of the Central Valley Water Board, shall file with the Board a technical report on its preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. This report may be combined with that required under the Central Valley Water Board Standard Provision contained in section VI.A.2.i of this Order.

The technical report shall:

- *Identify the possible sources of spills, leaks, untreated waste by-pass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.*
- *Evaluate the effectiveness of present facilities and procedures and state when they became operational.*
- *Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational.*

The Central Valley Water Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions shall be incorporated as part of this Order, upon notice to the Discharger.

- j. The Discharger shall submit technical reports as directed by the Executive Officer. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.
- k. The Central Valley Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387.
- l. For publicly owned treatment works, prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a permanent decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (Water Code section 1211).
- m. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, maximum daily effluent limitation, 1-hour average effluent limitation, or receiving water limitation contained in this Order, the Discharger shall notify the Central Valley Water Board by telephone (916) 464-3291 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within 5 days, unless the Central Valley Water Board waives confirmation. The written notification shall include the information required by the Standard Provision contained in Attachment D section V.E.1. [40 CFR 122.41(l)(6)(i)].
- n. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this facility, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.
- o. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of

incorporation if a corporation, address and telephone number of the persons responsible for contact with the Central Valley Water Board and a statement. The statement shall comply with the signatory and certification requirements in the federal Standard Provisions (Attachment D, section V.B) and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

C. Monitoring and Reporting Program Requirements

The Discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order.

D. Special Provisions

1. Reopener Provisions

- a. Conditions that necessitate a major modification of a permit are described in 40 CFR 122.62, including, but not limited to:
 - *If new or amended applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments thereto, this permit may be reopened and modified in accordance with the new or amended standards.*
 - *When new information, that was not available at the time of permit issuance, would have justified different permit conditions at the time of issuance.*

2. Special Studies, Technical Reports and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices and Pollution Prevention

- a. **Storm Water Pollution Prevention Plan (SWPPP).** The Discharger shall demonstrate compliance with this Order through implementation of BMPs for controlling authorized non-storm water discharges. The Discharger developed a SWPPP in accordance with previous Order R5-2005-0090 that addresses storm water and authorized non-storm water discharges.

The portions of the SWPPP pertinent to the authorized non-storm water discharges shall be implemented for compliance with the Discharge Prohibitions (Section III), Effluent Limitations (Section IV), and Receiving Water Limitations (Section V) contained in this Order.

The SWPPP shall meet the following minimum requirements:

- i. Objectives: The SWPPP has two major objectives: (a) to identify and evaluate sources of pollutants associated with industrial activities at the facility that may affect the quality of storm water dischargers and authorized non-storm water discharges from the Facility; and (b) to identify and implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. BMPs may include a variety of pollution prevention measures or other low-cost and pollution control measures. They are generally categorized as non-structural BMPs (activity schedules, prohibitions of practices, maintenance procedures, and other low-cost measures) and as structural BMPs (treatment measures, run-off controls, catchment basins, leak and dust controls, and overhead coverage).

The SWPPP requirements are designed to be sufficiently flexible to meet the needs of various facilities. SWPPP requirements that are not applicable to a facility should not be included in the SWPPP.

A facility's SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other SWPPPs. The SWPPP shall be revised whenever appropriate and shall be readily available for review by facility employees or Central Valley Water Board inspectors.

- ii. Planning and Organization

- 1) *Pollution Prevention Team*

The SWPPP shall identify a specific individual or individuals and their positions within the facility organization as members of a bulk material handling operations pollution prevention team responsible for developing and/or updating the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities required in this Order. The SWPPP shall clearly identify the Order related responsibilities, duties, and activities of the pollution prevention team.

- 2) *Review Other Requirements and Existing Facility Plans*

The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. The Discharger should review all local, State, and Federal requirements that impact, complement, or are consistent with the requirements of this Order. The Discharger should identify any existing facility plans that contain bulk material handling operations pollutant control measures or relate to the requirements of this Order.

- iii. Site Map: The SWPPP shall include a site map of loading and unloading operations at Dock 12 and the surrounding area. The site map shall be provided on an 8-1/2 x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, Dischargers may provide the required information on multiple site maps. The following information shall be included on the site map:
- 1) The facility boundaries; the outline of all bulk material loading and unloading areas within the facility boundaries. The map shall also identify nearby water bodies (such as rivers, lakes, ponds) and municipal storm drain inlets where the facility's industrial activity discharges may be received.
 - 2) The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.
 - 3) An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.
 - 4) Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks have occurred.
 - 5) Areas of industrial activity. This shall include the locations of all bulk material storage areas and storage tanks, conveyor systems and ship loading equipment, shipping and receiving areas, material handling areas, wash water areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.
- iv. List of Significant Materials: The SWPPP shall include a list of significant materials currently handled and to be handled in the future. For each material on the list, describe where the material is received, shipped, and handled, as well as the typical quantities and frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

v. Description of Potential Pollutant Sources

- 1) The SWPPP shall include a narrative description of the facility's industrial activities associated potential pollutant sources, and potential pollutants that could be discharged directly or indirectly to the receiving water. At a minimum, the following items related to a facility's industrial activities shall be considered:

(a) Industrial Processes

Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

(b) Material Handling and Storage Areas

Describe each bulk material handling and storage area, quantity of significant materials handled, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

(c) Dust and Particulate Generating Activities

Describe all industrial activities that generate dust or particulates that may be deposited within the facility's boundaries and identify their discharge locations; the characteristics of dust and particulate pollutants; the approximate quantity of dust and particulate pollutants that may be deposited within the facility boundaries; and a description of the primary areas of the facility where dust and particulate pollutants would settle.

(d) Significant Spills and Leaks

Describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges from loading and unloading operations, since 1 June 2010. Include toxic chemicals (listed in 40 CFR, Part 302) if any, that have been discharged to receiving waters as reported on U.S. Environmental Protection Agency (USEPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 CFR Parts 110, 117, and 302).

The description shall include the type, characteristics, and approximate quantity of the material spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water discharges, and the preventative measures taken to ensure spill or leaks do not reoccur. Such list shall be updated as appropriate during the term of this Order.

(e) Soil Erosion

Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water discharges associated with industrial activity, or authorized non-storm water discharges.

- 2) The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and potential pollutants.

vi. Assessment of Potential Pollutant Sources

- 1) The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources to determine:
 - (a) Which areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges.
 - (b) Which pollutants are likely to be present in storm water discharges and authorized non-storm water discharges. The Discharger shall consider and evaluate various factors when performing this assessment such as current BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to storm water or authorized non-storm water discharges; history of spill or leaks; and run-on from outside sources.
- 2) The Discharger shall summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present in storm water discharges and authorized non-storm water discharges.
- 3) The Discharger is required to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each pollutant source.

- vii. *Best Management Practices:* The SWPPP shall include a narrative description of the BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase. The BMPs shall be developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Each pollutant and its source may require one or more BMPs. Some BMPs may be implemented for multiple pollutants and their sources, while other BMPs will be implemented for a very specific pollutant and its source.

The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source. The Discharger shall consider the following BMPs for implementation at the facility:

1) *Non-Structural BMPs*

Non-structural BMPs generally consist of material handling, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with loading/unloading activity from direct or indirect discharge to the receiving water. They are considered low technology, cost-effective measures. The Discharger should consider all possible non-structural BMPs options before considering additional structural BMPs. Below is a list of nonstructural BMPs that should be considered:

(a) Good Housekeeping

Good housekeeping generally consists of practical procedures to maintain a clean and orderly facility.

(b) Preventive Maintenance

Preventive maintenance includes the regular inspection and maintenance of structural storm water and non-storm water controls (e.g., catch basins, oil/water separators, overhead integrated conveyor system, secondary containment system, wash down water catchment system, etc.).

(c) Spill Response

This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.

(d) Material Handling

This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.

(e) Employee Training

This includes training of personnel who are responsible for (1) implementing activities identified in the SWPPP, (2) conducting inspections, sampling, and visual observations, and (3) managing, minimizing, and preventing storm water and authorized non-storm water discharges. Training should address topics such as spill response, good housekeeping, and material handling procedures, and actions necessary to implement all BMPs identified in the SWPPP. The SWPPP shall identify periodic dates for such training. Records shall be maintained of all training sessions held.

(f) Waste Handling/Recycling

This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.

(g) Recordkeeping and Internal Reporting

This includes the procedures to ensure that all records of inspections, spills, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate facility personnel.

(h) Erosion Control and Site Stabilization

This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.

(i) Inspections

This includes, in addition to the preventative maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be described to ensure adequate corrective actions are taken.

(j) Quality Assurance

This includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

2) *Structural BMPs*

Where non-structural BMPs are not effective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMPs that should be considered:

(a) Overhead Coverage

This includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.

(b) Retention Ponds

This includes basins, ponds, surface impoundments, bermed areas, etc., that do not allow storm water or authorized non-storm water to discharge from the Facility.

(c) Control Devices

This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.

(d) Secondary Containment Structures

This generally includes containment structures underneath the conveyor system and other areas for the purpose of collecting any leaks, spills or overflows.

(e) Bulk Material Containment

This includes installing a rubber flap gate under the ship loader downspout to contain bulk materials when the spout is rotated from over the ship being loaded/unloaded.

(f) Fugitive Dust Containment

This includes installing fogging (misting) nozzles on the ship loader conveyors to minimize the likelihood of fugitive dust being blown from the conveyors.

(g) Treatment

This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc., that reduce the pollutants in storm water and authorized non-storm water discharges.

viii. Annual Comprehensive Operations Compliance Evaluation: The Discharger shall conduct one comprehensive loading operations compliance evaluation (evaluation) in each reporting period (July 1 to June 30). Evaluations shall be conducted within 8-16 months of each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

- 1) A review of all visual observation records and inspection records.
- 2) A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system and/or receiving water.
- 3) A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment to implement the SWPPP, such as spill response equipment, shall be included.
- 4) An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule for implementing SWPPP revisions, (v) any incidents of non-compliance and the corrective actions taken, and (vi) a certification that the Discharger is in compliance with this Order. If the above certification cannot be provided, explain in the evaluation report why the Discharger is not in compliance with this Order. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with Provisions of this Order.

ix. SWPPP General Requirements

- 1) The SWPPP shall be retained on-site and made available upon request of a representative of the Central Valley Water Board and/or local storm water management agency (local agency), which receives the storm water discharges.
- 2) The Central Valley Water Board or local agency may notify the Discharger when the SWPPP does not meet one or more of the minimum requirements of this section. As requested by the Central

Valley Water Board or local agency, the Discharger shall submit a SWPPP revision and implementation schedule that meets the minimum requirements of this section to the Central Valley Water Board or local agency that requested the SWPPP revisions. Within 14 days after implementing the required SWPPP revisions, the Discharger shall provide written certification to the Central Valley Water Board or local agency that the revisions have been implemented.

- 3) The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which (i) may significantly increase the quantities of pollutants in the storm water and/or authorized non-storm water discharges, (ii) cause a new area of industrial activity at the facility to be exposed to storm water or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.
- 4) The SWPPP shall be revised and implemented in a timely manner, but in no case more than 90 days after the Discharger determines that the SWPPP is in violation of any requirement(s) of this Order.
- 5) When any part of the SWPPP is infeasible to implement by the deadlines specified above, and due to proposed significant structural changes, the Discharger shall submit a report to the Central Valley Water Board prior to the applicable deadline that (i) describes the portion of the SWPPP that is infeasible to implement by the deadline, (ii) provides justification for a time extension, (iii) provides a schedule for completing and implementing that portion of the SWPPP, and (iv) describes the BMPs that will be implemented in the interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Such reports are subject to Executive Officer approval. The Discharger shall provide written notification to the Central Valley Water Board within 14 days after the SWPPP revisions are implemented.
- 6) The SWPPP is considered a report that shall be available to the public by the Central Valley Water Board under Section 308(b) of the Clean Water Act.

- x. The Discharger shall immediately amend its SWPPP when:
 - a) Monitoring data indicate that the objectives of this Order are not met or will be achieved in the prevention or reduction of pollutants being discharged during bulk material handling operations;
 - b) There is change in operation, maintenance, or activities being conducted at the facility;
 - c) The Discharger is in violation of any conditions or requirements established in this Order;
 - d) Requested by Central Valley Water Board staff.
- xi. Unless otherwise requested by Central Valley Water Board staff, the Discharger shall recommend revisions or changes to the SWPPP in its Annual Report to be submitted in accordance with Monitoring and Reporting Program of this Order. All recommended changes or revisions shall be submitted with an explanation for the revision or change, and include an implementation schedule.
- xii. Prior to using any chemicals (e.g. surfactants) as part of a dust suppression system, the Discharger shall submit the results of chronic toxicity tests which show no toxicity at the concentration to be used in the system. The testing shall be conducted as specified in EPA-600-4-91-002. The tests must be conducted with concurrent reference toxicant tests. Monthly laboratory reference toxicant tests may be substituted. Both the reference toxicant and dust suppression solution must meet all test acceptability criteria as specified in the EPA manual.
- xiii. Annually, the Discharger shall evaluate its compliance with the requirements of this Order, and assess the effectiveness of its BMPs in reducing or preventing discharges to the San Joaquin River. The Discharger shall evaluate its assessment and evaluation of the SWPPP based on monitoring results obtained, and reported as part of its Annual Report required by Monitoring and Reporting Program of this Order.
- xiv. Upon written request by Central Valley Water Board staff, the Discharger shall provide a list of all anticipated marine shipments of bulk material to be handled, for a period of 30 days subsequent to the date of the request.

4. Construction, Operation and Maintenance Specifications (Not Applicable)

5. Special Provisions for Municipal Facilities (Not Applicable)

6. Other Special Provisions (Not Applicable)

7. Compliance Schedules (Not Applicable)

VII. COMPLIANCE DETERMINATION (NOT APPLICABLE)

ATTACHMENT A – DEFINITIONS

Following are the standard definitions from the Basin Plan and other applicable water quality control plans - (Not all definitions may be applicable to this Order).

Detected, but Not Quantified (DNQ)

DNQ are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

Estimated Chemical Concentration

The estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Estuaries

Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Inland Surface Waters

All surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

Method Detection Limit (MDL)

MDL is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in 40 CFR Part 136, Attachment B, revised as of 3 July 1999.

Minimum Level (ML)

ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Not Detected (ND)

Sample results which are less than the laboratory's MDL.

Pollutant Minimization Program (PMP)

PMP means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration

at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Central Valley Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollution Prevention

Pollution Prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

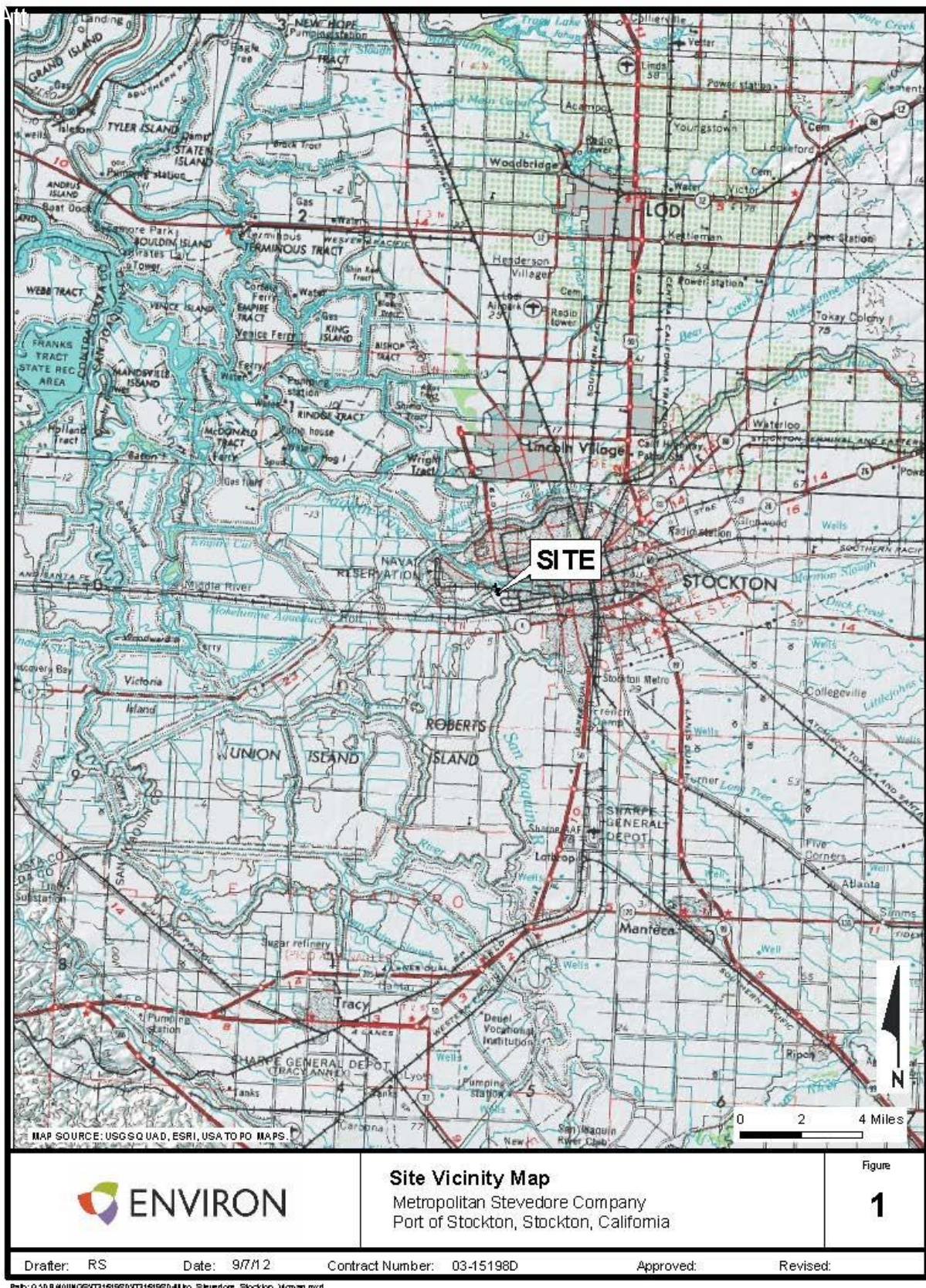
Reporting Level (RL)

RL is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Central Valley Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

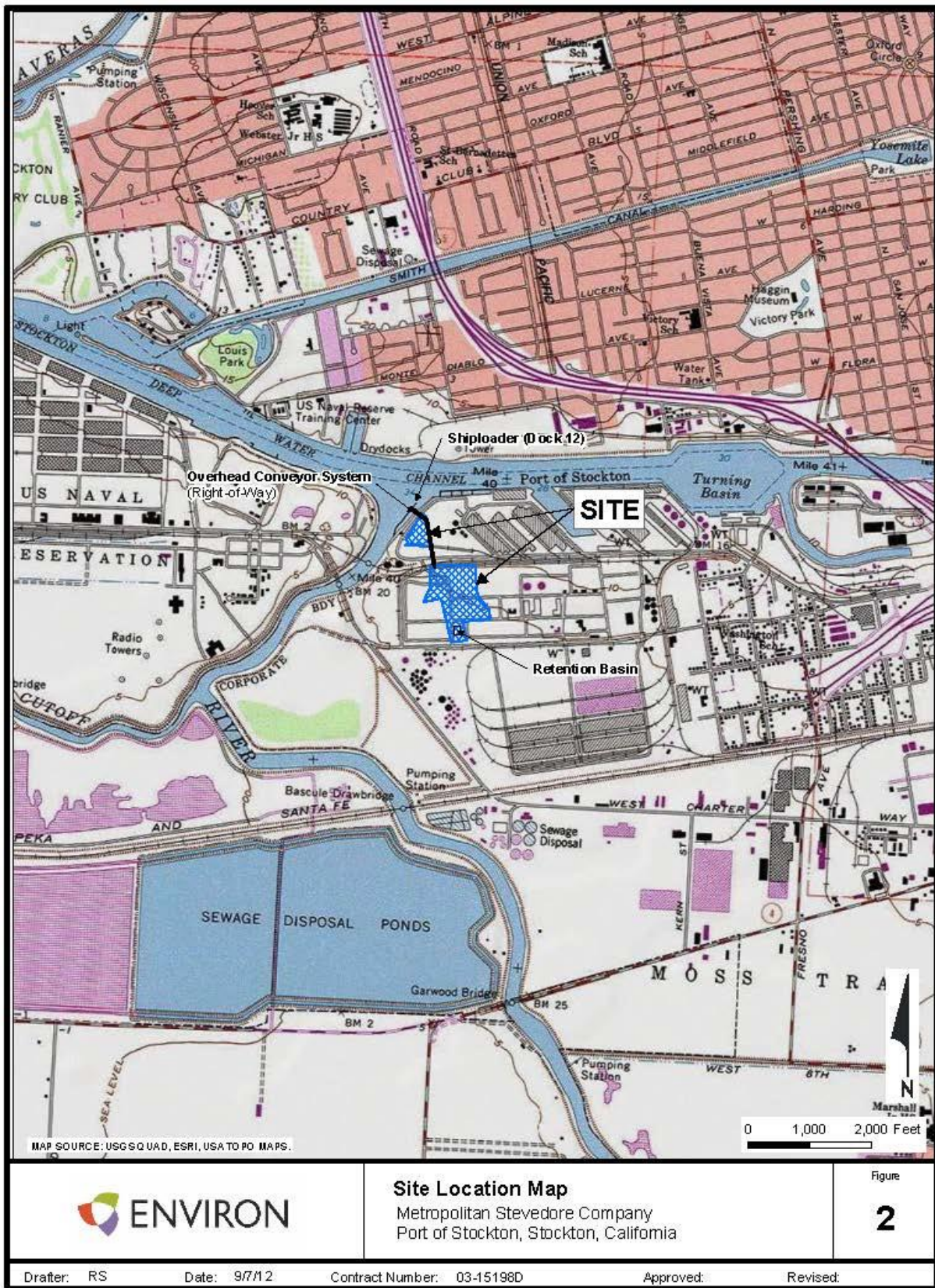
Source of Drinking Water

Any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

ATTACHMENT B – FACILITY LOCATION



ATTACHMENT C – SITE MAP OF LOADING OPERATIONS



ATTACHMENT D – STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code (Water Code) and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 CFR 122.41(a).)
2. The Discharger shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 CFR 122.41(a)(1))

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 CFR 122.41(c))

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 CFR 122.41(e).)

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 CFR 122.41(g))

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 CFR 122.5(c))

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (40 CFR 122.41(i); Water Code section 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (40 CFR 122.41(i)(1));
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (40 CFR 122.41(i)(2));
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (40 CFR 122.41(i)(3)); and
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (40 CFR 122.41(i)(4))

G. Bypass

1. Definitions
 - a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i))
 - i. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR 122.41(m)(1)(ii))
2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 CFR 122.41(m)(2))

3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 CFR 122.41(m)(4)(i)):
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 CFR 122.41(m)(4)(i)(A));
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 CFR 122.41(m)(4)(i)(B)); and
 - c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 CFR 122.41(m)(4)(i)(C))
4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 CFR 122.41(m)(4)(ii))
5. Notice
 - a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 CFR 122.41(m)(3)(i))
 - b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 CFR 122.41(m)(3)(ii))

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 CFR 122.41(n)(1))

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 CFR 122.41(n)(2))

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 CFR 122.41(n)(3)):
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 CFR 122.41(n)(3)(i));
 - b. The permitted facility was, at the time, being properly operated (40 CFR 122.41(n)(3)(ii));
 - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 CFR 122.41(n)(3)(iii)); and
 - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 CFR 122.41(n)(3)(iv))
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 CFR 122.41(n)(4))

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 CFR 122.41(f))

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 CFR 122.41(b))

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 CFR 122.41(l)(3) and 122.61)

III. STANDARD PROVISIONS – MONITORING

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 CFR 122.41(j)(1))

- B.** Monitoring results must be conducted according to test procedures under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503 unless other test procedures have been specified in this Order. (40 CFR 122.41(j)(4) and 122.44(i)(1)(iv))

IV. STANDARD PROVISIONS – RECORDS

- A.** Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least 5 years (or longer as required by 40 CFR Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 CFR 122.41(j)(2))

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements (40 CFR 122.41(j)(3)(i));
2. The individual(s) who performed the sampling or measurements (40 CFR 122.41(j)(3)(ii));
3. The date(s) analyses were performed (40 CFR 122.41(j)(3)(iii));
4. The individual(s) who performed the analyses (40 CFR 122.41(j)(3)(iv));
5. The analytical techniques or methods used (40 CFR 122.41(j)(3)(v)); and
6. The results of such analyses. (40 CFR 122.41(j)(3)(vi))

C. Claims of confidentiality for the following information will be denied (40 CFR 122.7(b)):

1. The name and address of any permit applicant or Discharger (40 CFR 122.7(b)(1)); and
2. Permit applications and attachments, permits and effluent data. (40 CFR 122.7(b)(2))

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 CFR 122.41(h); Water Code, § 13267)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 CFR 122.41(k))
2. All permit applications shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 CFR 122.22(a)(1))
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 CFR 122.22(b)(1));
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 CFR 122.22(b)(2)); and

- c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 CFR 122.22(b)(3))
4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 CFR 122.22(c))
5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
(40 CFR 122.22(d))

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 CFR 122.22(l)(4))
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 CFR 122.41(l)(4)(i))
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 CFR 122.41(l)(4)(ii))
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 CFR 122.41(l)(4)(iii))

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 CFR 122.41(l)(5))

E. Twenty-Four Hour Reporting

1. The Discharger shall notify the Office of Emergency Services of any noncompliance that may endanger health or the environment within two (2) hours from the time the Discharger becomes aware of the circumstances. The Discharger shall notify the Central Valley Water Board of the noncompliance by telephone or fax within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided to the Central Valley Water Board within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 CFR 122.41(l)(6)(i))
2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 CFR 122.41(l)(6)(ii)):
 - a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 CFR 122.41(l)(6)(ii)(A))
 - b. Any upset that exceeds any effluent limitation in this Order. (40 CFR 122.41(l)(6)(ii)(B))
3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 CFR 122.41(l)(6)(iii))

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 CFR 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) (40 CFR 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in this Order nor to notification requirements under 40 CFR 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1). (40 CFR 122.41(l)(1)(ii))

3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii))

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements. (40 CFR 122.41(l)(2))

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. (40 CFR 122.41(l)(7))

I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 CFR 122.41(l)(8))

VI. STANDARD PROVISIONS – ENFORCEMENT

- A. The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 CFR 122.42(a)):

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 CFR 122.42(a)(1)):
 - a. 100 micrograms per liter (µg/L) (40 CFR 122.42(a)(1)(i));

- b.** 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 CFR 122.42(a)(1)(ii));
 - c.** Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR 122.42(a)(1)(iii)); or
 - d.** The level established by the Regional Water Board in accordance with 40 CFR 122.44(f). (40 CFR 122.42(a)(1)(iv))
- 2.** That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following “notification levels” (40 CFR 122.42(a)(2)):
 - a.** 500 micrograms per liter (µg/L) (40 CFR 122.42(a)(2)(i));
 - b.** 1 milligram per liter (mg/L) for antimony (40 CFR 122.42(a)(2)(ii));
 - c.** Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR 122.42(a)(2)(iii)); or
 - d.** The level established by the Regional Water Board in accordance with section 122.44(f). (40 CFR 122.42(a)(2)(iv))

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

Table of Contents

I.	General Monitoring Provisions.....	E-2
II.	Monitoring Locations	E-3
III.	Influent Monitoring Requirements (Not Applicable)	E-3
IV.	Effluent Monitoring Requirements (Not Applicable)	E-3
V.	Whole Effluent Toxicity Testing Requirements (Not Applicable).....	E-3
VI.	Land Discharge Monitoring Requirements (Not Applicable)	E-3
VII.	Reclamation Monitoring Requirements (Not Applicable)	E-3
VIII.	Receiving Water Monitoring Requirements – Surface Water.....	E-3
	A. Monitoring Location RSW-001	E-3
IX.	Other Monitoring Requirements (Not Applicable)	E-4
X.	Reporting Requirements.....	E-4
	A. General Monitoring and Reporting Requirements.....	E-4
	B. Self-Monitoring Reports (SMRs)	E-4
	C. Discharge Monitoring Reports (DMRs) (Not Applicable).....	E-4
	D. Other Reports.	E-5

List of Tables

Table E-1.	Monitoring Station Locations	E-3
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ATTACHMENT E – MONITORING AND REPORTING PROGRAM

Title 40 of the Code of Federal Regulations (CFR), section 122.48 (40 CFR 122.48) requires that all NPDES permits specify monitoring and reporting requirements. California Water Code (Water Code) sections 13267 and 13383 also authorize the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) to require technical and monitoring reports. This Monitoring and Reporting Program establishes monitoring and reporting requirements, which implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

- A.** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and the approval of the Central Valley Water Board.
- B.** Effluent samples shall be taken downstream of the last addition of wastes to the treatment or discharge works where a representative sample may be obtained prior to mixing with the receiving waters. Samples shall be collected at such a point and in such a manner to ensure a representative sample of the discharge.
- C.** Chemical, bacteriological, and bioassay analyses of any material required by this Order shall be conducted by a laboratory certified for such analyses by the Department of Public Health (DPH). Laboratories that perform sample analyses must be identified in all monitoring reports submitted to the Central Valley Water Board. In the event a certified laboratory is not available to the Discharger for any onsite field measurements such as pH, DO, turbidity, temperature, and residual chlorine, such analyses performed by a noncertified laboratory will be accepted provided a Quality Assurance-Quality Control Program is instituted by the laboratory. A manual containing the steps followed in this program for any onsite field measurements such as pH, DO, turbidity, temperature, and residual chlorine must be kept onsite in the treatment facility laboratory and shall be available for inspection by Central Valley Water Board staff. The Discharger must demonstrate sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform these field measurements. The Quality Assurance-Quality Control Program must conform to USEPA guidelines or to procedures approved by the Central Valley Water Board.
- D.** All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least yearly, to ensure their continued accuracy.
- E.** Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this Monitoring and Reporting Program.

- F. Laboratories analyzing monitoring samples shall be certified by DPH, in accordance with the provision of CWC section 13176, and must include quality assurance/quality control data with their reports.
- G. The Discharger shall conduct analysis on any sample provided by USEPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to USEPA's DMQA manager.
- H. The results of all monitoring required by this Order shall be reported to the Central Valley Water Board, and shall be submitted in such a format as to allow direct comparison with the requirements of this Order.

II. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

Table E-1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
001	EFF-001	Due to nature of the <i>de minimis</i> discharge of fugitive dust and water droplets, it is infeasible to monitor the discharge
San Joaquin River (underneath conveyor system)	RSW-001	Deep Water Ship Channel – (within 100-foot radius of Shiploader)

- III. INFLUENT MONITORING REQUIREMENTS (NOT APPLICABLE)
- IV. EFFLUENT MONITORING REQUIREMENTS (NOT APPLICABLE)
- V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS (NOT APPLICABLE)
- VI. LAND DISCHARGE MONITORING REQUIREMENTS (NOT APPLICABLE)
- VII. RECLAMATION MONITORING REQUIREMENTS (NOT APPLICABLE)
- VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER

A. Monitoring Location RSW-001

1. The Discharger shall monitor San Joaquin River at RSW-001 by visual observations during each bulk material loading event and during maintenance and cleaning activities at Dock 12. When conducting visual observations, documentation shall be kept of the receiving water conditions throughout the reach bounded by Monitoring Location RSW-001. Documentation of the observations shall include, but not be limited to, the date the visual inspection was conducted, the name of the person conducting the inspection, the location in which the activity took place, the time loading began and ended, the type, character, and quantity of

material being handled, weather conditions, any observed changes in receiving water conditions due to the loading event, maintenance or cleaning activity, and other relevant information/data.

The documentation for this visual monitoring requirement shall be submitted with the Annual Report.

IX. OTHER MONITORING REQUIREMENTS (NOT APPLICABLE)

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.
2. Upon written request of the Central Valley Water Board, the Discharger shall submit a summary monitoring report. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year(s).
3. **Compliance Time Schedules.** For compliance time schedules included in the Order, the Discharger shall submit to the Central Valley Water Board, on or before each compliance due date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the compliance time schedule.
4. The Discharger shall report to the Central Valley Water Board any toxic chemical release data it reports to the State Emergency Response Commission within 15 days of reporting the data to the Commission pursuant to section 313 of the "*Emergency Planning and Community Right to Know Act*" of 1986.

B. Monthly Self-Monitoring Reports (SMRs) (Not Applicable)

C. Discharge Monitoring Reports (DMRs). (Not Applicable)

D. Other Reports.

- 1. Annual Report.** By **1 July** of each year, the Discharger shall submit a written report to the Executive Officer. The objectives of the Annual Operations Report are to allow the Discharger to:
 - a.** Demonstrate the SWPPP is being implemented and is effective;
 - b.** Summarize and evaluate the monitoring program results, inspection activities, and visual observations of loading events, and how these results relate to the SWPPP's implementation and effectiveness;
 - c.** Demonstrate BMPs being implemented through the SWPPP are appropriate, adequate, maintained, and effective;
 - d.** Demonstrate authorized non-storm water discharges have been reduced or prevented through implementation of the SWPPP and its BMPs, and monitoring program;
 - e.** Recommend changes, revisions, and amendments to the SWPPP and Monitoring and Reporting Program based on the findings of the annual review and effectiveness evaluation process, and to address other issues or problems that may cause the Discharger to not fully and completely implement its SWPPP, monitoring program, or other activities required to comply with the requirements established in this Order, and this Monitoring and Reporting Program.
 - f.** Demonstrate the BMPs (using BAT and BCT) to reduce pollutants in direct and indirect discharges are effective.

ATTACHMENT F – FACT SHEET

Table of Contents

I.	Permit Information	F-3
II.	Facility Description.....	F-4
A.	Description of Operations	F-4
B.	Discharge Points and Receiving Waters	F-5
C.	Summary of Existing Requirements and Self-Monitoring Report (SMR) Data	F-5
D.	Compliance Summary.....	F-5
E.	Planned Changes(Not Applicable)	F-6
III.	Applicable Plans, Policies, and Regulations	F-6
A.	Legal Authorities	F-6
B.	California Environmental Quality Act (CEQA)	F-6
C.	State and Federal Regulations, Policies, and Plans	F-6
D.	Impaired Water Bodies on CWA 303(d) List	F-7
E.	Other Plans, Policies and Regulations (Not Applicable).	F-7
IV.	Rationale For Effluent Limitations and Discharge Specifications	F-7
A.	Discharge Prohibitions	F-9
B.	Technology-Based Effluent Limitations	F-9
1.	Scope and Authority	F-9
2.	Applicable Technology-Based Effluent Limitations	F-10
C.	Water Quality-Based Effluent Limitations (WQBELs).....	F-10
2.	Applicable Beneficial Uses and Water Quality Criteria and Objectives	F-10
3.	Determining the Need for WQBELs	F-12
5.	Whole Effluent Toxicity (WET) (Not Applicable).....	F-13
D.	Final Effluent Limitations (Not Applicable)	F-13
E.	Interim Effluent Limitations (Not Applicable)	F-13
F.	Land Discharge Specifications (Not Applicable)	F-13
G.	Reclamation Specifications (Not Applicable)	F-13
V.	Rationale for Receiving Water Limitations	F-13
A.	Surface Water	F-13
B.	Groundwater (Not Applicable).....	F-14
VI.	Rationale for Monitoring and Reporting Requirements	F-14
A.	Influent Monitoring (Not Applicable).....	F-14
B.	Effluent Monitoring (Not Applicable).....	F-14
C.	Whole Effluent Toxicity Testing Requirements.....	F-14
D.	Receiving Water Monitoring	F-14
2.	Groundwater (Not Applicable).....	F-15
E.	Other Monitoring Requirements (Not Applicable).....	F-15
VII.	Rationale for Provisions	F-15
A.	Standard Provisions	F-15
B.	Special Provisions.....	F-15
1.	Reopener Provisions.....	F-15
2.	Special Studies and Additional Monitoring Requirements (Not Applicable)	F-15
3.	Best Management Practices and Pollution Prevention Plan	F-15
4.	Construction, Operation, and Maintenance Specifications.....	F-16

5. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable)	F-16
6. Other Special Provisions	F-16
7. Compliance Schedules	F-16
VIII. Public Participation	F-17
A. Notification of Interested Parties	F-17
B. Written Comments	F-17
C. Public Hearing.....	F-17
D. Waste Discharge Requirements Petitions.....	F-18
E. Information and Copying.....	F-18
F. Register of Interested Persons.....	F-18
G. Additional Information	F-18

List of Tables

Table F-1. Facility Information	F-3
Table F-2. Basin Plan Beneficial Uses	F-11

ATTACHMENT F – FACT SHEET

As described in the Findings in section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Only those sections or subsections of this Order that are specifically identified as “not applicable” have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as “not applicable” are fully applicable to this Discharger.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the Facility.

Table F-1. Facility Information

WDID	5B392101001
Discharger	Metropolitan Stevedore Company
Name of Facility	Port of Stockton, City of Stockton
Facility Address	2321 West Washington Street, Suite J
	Stockton, CA 95203
	San Joaquin County
Facility Contact, Title and Phone	Thomas Mogan, Facility Operator, 209-943-7252
Authorized Person to Sign and Submit Reports	Rob Waterman, Vice President, 310-816-6557
Mailing Address	720 East E Street, Wilmington, CA 90748
Billing Address	2321 West Washington Street, Suite J, Stockton, CA 95203
Type of Facility	Industrial
Major or Minor Facility	Minor
Threat to Water Quality	3
Complexity	C
Pretreatment Program	N/A
Reclamation Requirements	N/A
Facility Current Bulk Cargo	1,000,000 metric tons/year
Facility Design Bulk Cargo	>1,000,000 metric tons/year
Watershed	Sacramento-San Joaquin Delta
Receiving Water	San Joaquin River
Receiving Water Type	Sacramento-San Joaquin Delta

- A.** Metropolitan Stevedore Company (hereafter Discharger) is the operator of a marine bulk commodity terminal (Facility) at Port of Stockton. Stockton Port District owns the property at 2321 West Washington Street, Stockton, on which the Facility is located.

For the purposes of this Order, references to the “discharger” or “permittee” in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

- B. The Facility discharges *de minimis* quantities of dust suppressant, wash waters, fugitive dust, and spilled product during loading operations into San Joaquin River, a water of the United States. These discharges were regulated by Order R5-2005-0090, which was adopted on 24 June 2005. The Discharger continues to comply with the terms and conditions of Order R5-2005-0090 and has committed to comply with them until new Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit are adopted pursuant to this Order.
- C. The Discharger filed a report of waste discharge and submitted an application for renewal of its WDRs and NPDES permit on 1 November 2010. The application was deemed complete.
- D. For the purposes of this Order, “authorized non-storm water discharges” include the *de minimis* discharge of fugitive cargo dust or spilled product, wash water, and dust suppression water. This Order only regulates these authorized non-storm water discharges. Storm water discharges are regulated by State Water Resources Control Board Water Quality Order 97-03-DWQ, General NPDES Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.

II. FACILITY DESCRIPTION

The Facility includes a marine bulk loading equipment (shiploader) located at Dock 12 and an integrated conveyor system for the transfer of bulk materials. Industrial activities include bulk material loading, and operation and maintenance of conveyors, a shiploader, and other equipment required to maintain its operation. Bulk materials currently handled at the site include sulfur, iron ore, and coal. The Discharger could handle other bulk materials in the future. However, only the loading of sulfur, iron ore, and coal are authorized by this Order. If other bulk materials are to be handled, the Discharger must submit an updated Report of Waste Discharge.

A. Description of Operations

The Discharger receives sulfur via conveyor system from adjacent sulfur production facilities and receives iron ore and coal from on-site piles. The Discharger transfers these materials dockside via an overhead conveyor system, and loads it onto outbound vessels. The Discharger may use surfactant chemicals as part of a dust suppression system on the shiploader. After each shipment, the conveyor and shiploader are cleaned. The Discharger loads approximately 5 vessels per month. Each bulk cargo loading event takes approximately 1.5 days to complete. The annual throughput of bulk cargo handled at the facility is typically 1,000,000 metric tons of sulfur, iron ore, and coal per year.

The conveyor system and ship loading equipment have been constructed with protective shields to prevent contact of the material with rain. In addition, the shiploader is equipped with an effective secondary containment system, as well as a concrete catchment system, which extend further inland for containing and collecting rainwater or wash down waters. The overhead conveyor system also has secondary containment systems. The minimal amount of rainfall collected within the secondary containment systems is allowed to evaporate. Attachment B provides a map of the Facility location. Attachment C provides a map of the area around the bulk material handling facilities.

B. Discharge Points and Receiving Waters

1. The Facility is located in Section S8, T1N, R6E, MDB&M, as shown in Attachment B, a part of this Order.
2. There are no direct discharges generated at the Facility, with the exception of the following *de minimis* discharges that may be discharged to San Joaquin River, a water of the United States at a point latitude 37° 56' 02" N and longitude 121° 20' 04" W:
 - a. *De minimis* fugitive cargo dust or spilled product from the ship loading activity.
 - b. *De minimis* droplets of dust suppression water used on the cargo in order to minimize fugitive cargo dust losses on the various conveyors during ship loading.
 - c. *De minimis* amounts of uncaptured wash water from the wash down of the equipment after the completion of the loading activities.

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Requirements and Discharge Prohibitions contained in Order R5-2005-0090 consisted of narrative TBELs and WQBELs. The TBELs and WQBELs consist of pollution prevention plans as indicated in a SWPPP developed in accordance with the existing Order. The SWPPP addresses storm water and authorized non-storm water discharges to reduce or prevent pollutants associated with industrial activity at the Facility through implementation of BAT for toxic and non-conventional pollutants and BCT for conventional pollutants. Required reporting data did not reveal any permit violations.

D. Compliance Summary

The current structural and non-structural BMPs installed and employed by the Discharger for bulk cargo material conveying and loading equipment have been effective over the past 5 years in minimizing potential cargo spillages and wash down water and preventing fugitive cargo dust entering into San Joaquin River. No compliance issues have been reported.

E. Planned Changes (Not Applicable)

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this Order are based on the applicable plans, policies, and regulations identified in the Findings in section II of this Order. The applicable plans, policies, and regulations relevant to the discharge include the following:

A. Legal Authorities

This Order is issued pursuant to regulations in the Clean Water Act (CWA) and the California Water Code (Water Code) as specified in the Finding contained at section II.C of this Order.

B. California Environmental Quality Act (CEQA)

This Order meets the requirements of CEQA as specified in the Finding contained at section II.E of this Order.

C. State and Federal Regulations, Policies, and Plans

- 1. Water Quality Control Plans.** This Order implements the following water quality control plans as specified in the Finding contained at section II.H of this Order.
 - a. Water Quality Control Plan, Fourth Edition (Revised February 2007), for the Sacramento and San Joaquin River Basins (Basin Plan).*
 - b. Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan)*
- 2. National Toxics Rule (NTR) and California Toxics Rule (CTR).** This Order implements the NTR and CTR as specified in the Finding contained at section II.I of this Order.
- 3. State Implementation Policy (SIP).** This Order implements the SIP as specified in the Finding contained at section II.I of this Order.
- 4. Alaska Rule.** This Order is consistent with the Alaska Rule as specified in the Finding contained at section II.L of this Order.
- 5. Antidegradation Policy.** As specified in the Finding contained at section II.Q of this Order and as discussed in detail in the Fact Sheet (Attachment F, Section IV.D.4.), the discharge is consistent with the antidegradation provisions of 40 CFR section 131.12 and State Water Resources Control Board (State Water Board) Resolution 68-16.
- 6. Anti-Backsliding Requirements.** This Order is consistent with anti-backsliding policies as specified in the Finding contained at section II.R of this Order.

Compliance with the anti-backsliding requirements is discussed in the Fact Sheet (Attachment F, Section IV.D.3).

- 7. Storm Water Requirements.** The Discharger maintains coverage for storm water discharges under State Water Resources Control Board Water Quality Order 97-03-DWQ, General NPDES Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities.
- 8. Endangered Species Act.** This Order is consistent with the Endangered Species Act as specified in the Finding contained at section II.P of this Order.

D. Impaired Water Bodies on CWA 303(d) List

1. Under section 303(d) of the 1972 CWA, states, territories and authorized tribes are required to develop lists of water quality limited segments. The waters on these lists do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. On 30 November 2006 USEPA gave final approval to California's 2006 section 303(d) List of Water Quality Limited Segments. The Basin Plan references this list of Water Quality Limited Segments (WQLSs), which are defined as “...those sections of lakes, streams, rivers or other fresh water bodies where water quality does not meet (or is not expected to meet) water quality standards even after the application of appropriate limitations for point sources (40 CFR Part 130, et seq.).” The Basin Plan also states, “Additional treatment beyond minimum federal standards will be imposed on dischargers to [WQLSs]. Dischargers will be assigned or allocated a maximum allowable load of critical pollutants so that water quality objectives can be met in the segment.” The listing for the San Joaquin River includes: Electrical Conductivity, E. Coli, Group A Pesticides, Mercury and Toxaphene.
2. **Total Maximum Daily Loads (TMDLs).** USEPA requires the Central Valley Water Board to develop TMDLs for each 303(d) listed pollutant and water body combination.
3. The 303(d) listings and TMDLs have been considered in the development of the Order. A pollutant-by-pollutant evaluation of each pollutant of concern is described in section IV.C.3. of this Fact Sheet.

E. Other Plans, Policies and Regulations (Not Applicable)

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA mandates the implementation of effluent limitations that are as stringent as necessary to meet water quality standards established pursuant to state or federal law [33 U.S.C., §1311(b)(1)(C); 40 CFR 122.44(d)(1)]. NPDES permits must incorporate discharge limits necessary to ensure that water quality standards are met. This requirement applies to narrative criteria as well as to criteria specifying maximum amounts of particular pollutants. Pursuant to federal regulations, 40 CFR 122.44(d)(1)(i), NPDES permits must contain limits that control all pollutants that “are or may be discharged at a level which will

cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality.” Federal regulations, 40 CFR 122.44(d)(1)(vi), further provide that “[w]here a state has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, the permitting authority must establish effluent limits.”

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the Code of Federal Regulations: 40 CFR 122.44(a) requires that permits include applicable technology-based limitations and standards; and 40 CFR 122.44(d) requires that permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water where numeric water quality objectives have not been established. The Basin Plan at page IV-17.00 for discharges in the Sac/SJ Basins, contains an implementation policy, “*Policy for Application of Water Quality Objectives*”, that specifies that the Central Valley Water Board “*will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives.*” This Policy complies with 40 CFR 122.44(d)(1). With respect to narrative objectives, the Central Valley Water Board must establish effluent limitations using one or more of three specified sources, including: (1) USEPA’s published water quality criteria, (2) a proposed state criterion (i.e., water quality objective) or an explicit state policy interpreting its narrative water quality criteria (i.e., the Central Valley Water Board’s “*Policy for Application of Water Quality Objectives*”) (40 CFR 122.44(d)(1)(vi)(A), (B) or (C)), or (3) an indicator parameter.

The Basin Plan includes numeric site-specific water quality objectives and narrative objectives for toxicity, chemical constituents, discoloration, radionuclides, and tastes and odors. The narrative toxicity objective states: “*All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.*” (Basin Plan at III-8.00) The Basin Plan states that material and relevant information, including numeric criteria, and recommendations from other agencies and scientific literature will be utilized in evaluating compliance with the narrative toxicity objective. The narrative chemical constituents objective states that waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. At minimum, “*...water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs)*” in Title 22 of CCR. The Basin Plan further states that, to protect all beneficial uses, the Central Valley Water Board may apply limits more stringent than MCLs. The narrative tastes and odors objective states: “*Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.*”

A. Discharge Prohibitions

- 1. Prohibition III.A (No discharge or application of waste other than that described in this Order).** This prohibition is based on Water Code section 13260 that requires filing of a report of waste discharge (ROWD) before discharges can occur. The Discharger submitted a ROWD for the discharges described in this Order; therefore, discharges not described in this Order are prohibited.
- 2. Prohibition III.C (No controllable condition shall create a nuisance).** This prohibition is based on Water Code section 13050 that requires water quality objectives established for the prevention of nuisance within a specific area. The Basin Plan prohibits conditions that create a nuisance.

B. Technology-Based Effluent Limitations

1. Scope and Authority

Section 301(b) of the CWA and implementing USEPA permit regulations at 40 CFR 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with 40 CFR 125.3.

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- a.** Best practicable treatment control technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.
- b.** Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.
- c.** Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.
- d.** New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. CWA section 402(a)(1) and 40 CFR 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in 40 CFR 125.3.

2. Applicable Technology-Based Effluent Limitations

It is not feasible to establish numeric effluent limitations for pollutants in the authorized non-storm water discharges from the Facility. Instead, the provisions of this Order require implementation of BMPs to control and abate the discharge of pollutants to surface waters and to achieve compliance utilizing BAT and BCT requirements and with applicable water quality standards.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

40 CFR 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, WQBELs must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 CFR 122.44(d)(1)(vi).

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Board Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply

The Basin Plan on page II-1.00 states: “*Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning...*” and with respect to disposal of wastewaters states that “*...disposal of wastewaters is [not] a prohibited use of waters of the State; it is merely a use which cannot be satisfied to the detriment of beneficial uses*”

The federal CWA section 101(a)(2), states: “*it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife, and for recreation in and on the water be achieved by July 1, 1983.*” Federal Regulations, developed to implement the requirements of the CWA, create a rebuttable presumption that all waters be designated as fishable and swimmable. Federal Regulations, 40 CFR sections 131.2 and 131.10, require that all waters of the State regulated to protect the beneficial uses of public water supply, protection and propagation of fish, shell fish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation. Section 131.3(e), 40 CFR, defines existing beneficial uses as those uses actually attained after 28 November 1975, whether or not they are included in the water quality standards. Federal Regulation, 40 CFR section 131.10 requires that uses be obtained by implementing effluent limitations, requires that all downstream uses be protected and states that in no case shall a state adopt waste transport or waste assimilation as a beneficial use for any waters of the United States.

a. Receiving Water and Beneficial Uses.

Beneficial uses from Table II-1 of the Basin Plan applicable to San Joaquin River and Delta are as follows:

Table F-2. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
001	San Joaquin River and Delta	Municipal and domestic supply (MUN); Agricultural supply, including irrigation and stock watering (AGR); Industrial process supply (PROC); Industrial service supply (IND); Hydropower generation (POW); Water contact recreation, including canoeing and rafting (REC-1); Non-contact water recreation (REC-2); Warm freshwater habitat (WARM); Cold freshwater habitat (COLD); Migration of aquatic organisms, warm and cold (MIGR); Spawning, reproduction, and/or early development, warm and cold (SPWN); Wildlife habitat (WILD); and Navigation (NAV) Commercial and Sport Fishing (COMM)

3. Determining the Need for WQBELs

NPDES permits for discharges to surface waters must meet all applicable provisions of sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize BAT and BCT to reduce pollutants and any more stringent controls necessary to meet water quality standards.

The Facility may have indirect discharges during loading and unloading of materials via an overhead conveyor system. These indirect discharges include *de minimis* fugitive cargo dust or spilled product, *de minimis* droplets of dust suppression water, or *de minimis* droplets of wash water. Establishment of numeric effluent limitations for pollutants from these *de minimis* discharges is not feasible because: (1) the Facility has *de minimis* releases of pollutants to surface waters from many different locations in the overhead conveyor system that cannot be feasibly monitored, and (2) control and/or treatment of the *de minimis* discharges to meet numeric effluent limitations would be impractical.

Therefore, the effluent limitations contained in this Order are narrative and include the requirement to implement appropriate BMPs. Section 122.44(k)(3) of 40 CFR allows the use of BMPs to control or abate the discharge of pollutants when “Numeric effluent limitations are infeasible; or the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.” It is not feasible to establish WQBELs for pollutants in the *de minimis* discharges from this Facility; therefore, in lieu of WQBELs, this Order requires the Discharger to implement BMPs.

The BMPs constitute BAT and BCT and are required to achieve compliance with water quality standards. Receiving water requirements must be met by the Discharger and are stated as narrative requirements. They are intended to cover all applicable Basin Plan objectives, and all applicable federal criteria, including CTR and NTR criteria.

- a. Methylmercury.** The Basin Plan contains fish tissue objectives for all Delta waterways listed in Appendix 43 of the Basin Plan that states, “...*the average methylmercury concentrations shall not exceed 0.08 and 0.24 mg methylmercury/kg, wet weight, in muscle tissue of trophic level 3 and 4 fish, respectively (150-500 mm total length). The average methylmercury concentrations shall not exceed 0.03 mg methylmercury/kg, wet weight, in whole fish less than 50 mm in length.*” The Basin Plan’s Delta Mercury Control Program contains aqueous methylmercury wasteload allocations that are calculated to achieve the fish tissue objectives. Methylmercury reductions are assigned to discharges with concentrations of methylmercury greater than 0.06 ng/l (the concentration of methylmercury in water to meet the fish tissue objectives).

As discussed above, the discharge is *de minimis* and it is infeasible to establish WQBELs. Based on the *de minimis* discharge and the type of materials handled, the Facility does not discharge methylmercury to the Delta. However, the Basin Plan’s Delta Mercury Control Program includes waste load allocations

for point source discharges in the Delta, including the Discharger. Therefore, this Order contains final WQBELs for methylmercury in accordance with the waste load allocation, which is a total calendar annual methylmercury load not to exceed zero grams.

4. WQBEL Calculations (Not Applicable)

5. Whole Effluent Toxicity (WET) (Not Applicable)

D. Final Effluent Limitations (Not Applicable)

E. Interim Effluent Limitations (Not Applicable)

F. Land Discharge Specifications (Not Applicable)

G. Reclamation Specifications (Not Applicable)

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

Basin Plan water quality objectives to protect the beneficial uses of surface water and groundwater include numeric objectives and narrative objectives, including objectives for chemical constituents, toxicity, and tastes and odors. The toxicity objective requires that surface water and groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, animals, or aquatic life. The chemical constituent objective requires that surface water shall not contain chemical constituents in concentrations that adversely affect any beneficial use or that exceed the maximum contaminant levels (MCLs) in Title 22, CCR. The tastes and odors objective states that surface water shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plan requires the application of the most stringent objective necessary to ensure that surface water do not contain chemical constituents, toxic substances, radionuclides, or taste and odor producing substances in concentrations that adversely affect domestic drinking water supply, agricultural supply, or any other beneficial use.

A. Surface Water

1. CWA section 303(a-c), requires states to adopt water quality standards, including criteria where they are necessary to protect beneficial uses. The Central Valley Water Board adopted water quality criteria as water quality objectives in the Basin Plan. The Basin Plan states that “[t]he numerical and narrative water quality objectives define the least stringent standards that the Regional Water Board will apply to regional waters in order to protect the beneficial uses.” The Basin Plan includes numeric and narrative water quality objectives for various beneficial uses and water bodies. This Order contains receiving surface water limitations based on the Basin Plan narrative water quality objectives for biostimulatory substances, color, chemical constituents, dissolved oxygen, floating material, oil and grease, pH, pesticides, radioactivity, suspended sediment, settleable substances, suspended material, tastes and odors, temperature, toxicity, and turbidity.

B. Groundwater (Not Applicable)

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (Attachment E) of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the Monitoring and Reporting Program for the Facility.

A. Influent Monitoring

There is no influent to monitor at the Facility. Therefore, influent monitoring is not applicable.

B. Effluent Monitoring

The Facility may discharge *de minimis* quantities of fugitive cargo dust or spilled product, and water droplets from dust suppression water or wash water. It is infeasible to collect and monitor these *de minimis* discharges. Therefore, effluent monitoring is not applicable.

C. Whole Effluent Toxicity Testing Requirements

The Facility may discharge *de minimis* quantities of fugitive cargo dust or spilled product, and water droplets from dust suppression water or wash water. It is infeasible to collect an effluent sample to conduct Whole Effluent Toxicity (WET) testing. Therefore, WET testing is not applicable.

D. Receiving Water Monitoring

1. Surface Water

Receiving water monitoring conducted in the past was necessary to assess the impacts of the discharge on the receiving stream.

The Discharger conducted receiving water monitoring from 1997 through 1999, as was required by the Discharger's previous NPDES Permit (Order 97-217). Results from the receiving water monitoring program did not indicate water quality impacts to the receiving water from the Discharger's ship loading and handling activities. The results of the receiving water monitoring prompted the Discharger to request that the Central Valley Water Board waive the receiving water monitoring requirements from its Monitoring and Reporting Program No. 97-217. A letter from the Central Valley Water Board to the Discharger dated 11 January 1999, granted the Discharger's request and waived this requirement. The Discharger's previous NPDES permit (Order R5-2005-0090) did not include receiving water monitoring requirements.

2. Groundwater (Not Applicable)

E. Other Monitoring Requirements (Not Applicable)

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR 122.42.

40 CFR 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. 40 CFR 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR 123.25, this Order omits federal conditions that address enforcement authority specified in 40 CFR 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

B. Special Provisions

1. Reopener Provisions

- a. Conditions that necessitate a major modification of a permit are described in 40 CFR 122.62, including, but not limited to:
 - *If new or amended applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments thereto, this permit may be reopened and modified in accordance with the new or amended standards.*
 - *When new information, that was not available at the time of permit issuance, would have justified different permit conditions at the time of issuance.*

2. Special Studies and Additional Monitoring Requirements (Not Applicable)

3. Best Management Practices

The Discharger developed a SWPPP in accordance with previous Order R5-2005-0090 that describes the BMPs the Discharger is currently implementing, or proposes to implement, to reduce or prevent pollutants in storm water and

authorized non-storm water discharges. This Order requires the Discharger to continue to implement its SWPPP, and to revise or amend the SWPPP, as necessary, to meet the requirements established in this Order. The Discharger shall implement the SWPPP for compliance with the Discharge Prohibitions (Section III), Effluent Limitations (Section IV), and Receiving Water Limitations (Section V) of this Order.

- 4. Construction, Operation, and Maintenance Specifications (Not Applicable)**
- 5. Special Provisions for Municipal Facilities (POTWs Only) (Not Applicable)**
- 6. Other Special Provisions (Not Applicable)**
- 7. Compliance Schedules (Not Applicable)**

VIII. PUBLIC PARTICIPATION

The Central Valley Water Board is considering the issuance of WDRs that will serve as an NPDES permit for the Facility. As a step in the WDR adoption process, the Central Valley Water Board staff has developed tentative WDRs. The Central Valley Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Central Valley Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided by posting in public areas (the nearest courthouse or city hall), the post office nearest the Facility, near the entrance of the Facility, and publishing in the local newspaper.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Office at the Central Valley Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Central Valley Water Board, written comments must be received at the Central Valley Water Board offices by 5:00 p.m. on 18 October 2012.

C. Public Hearing

The Central Valley Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: 5/6/7 December 2012
Time: 8:30 a.m.
Location: Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Dr., Suite #200
Rancho Cordova, CA 95670

Interested persons are invited to attend. At the public hearing, the Central Valley Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is www.waterboards.ca.gov/centralvalley where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Board to review the decision of the Central Valley Water Board regarding the final WDRs. The petition must be received by the State Water Board within 30 days of the Central Valley Water Board's action, and must be submitted to the following address:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

E. Information and Copying

The Report of Waste Discharge, related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Central Valley Water Board by calling (916) 464-3291.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Central Valley Water Board, reference this Facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Anand Mamidi at 916-464-4853.